

Message Text

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PAGE 01 STATE 091326

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DRAFTED BY EUR/TUR:HEKIRBY:CF

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----- 026252

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FM SECSTATE WASHDC

TO AMEMBASSY ANKARA

INFO AMCONSUL ISTANBUL

DEPT OF NAVY(NAVY JAG/ADMIRALTY)

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E.O. 11652: N/A

TAGS: MOPS, TU

SUBJECT: PTT CLAIM

REF: (A) ANKARA 3269; (B) ANKARA 3221

1. NAVY JAG HAS PROVIDED FOLLOWING COMMENT ON REF. A:

A. APPROVAL BY THE SECRETARY OF THE NAVY FOR SETTLEMENT OF THE PTT CLAIM IN THE AMOUNT OF 7,855,060.15 TL WAS PREMISED ON WHAT APPEARED TO BE A METICULOUSLY DOCUMENTED CLAIM FOR THIS SUM. AFTER A CAREFUL REVIEW OF THE CIRCUMSTANCES WHICH GAVE RISE TO THE ADDITIONAL EXPENSE OF 63,243.45 TL, WE ARE OF OPINION THATSUCH AN AMOUNT IS IN THE NATURE OF A LEGAL EXPENSE INCURRED BY PTT DURING THE COURSE OF A JUDICIAL PROCEEDING IN THE ISANBUL THIRD COMMERCIAL COURT OF FIRST INSTANCE. LEGAL EXPENSES INCURRED IN PREPARING CLAIMS ARE NOT RECOVERABLE ITEMS OF DAMAGE UNDER ADMIRALTY LAW.

B. WE RECOGNIZE THAT OUR AFOREMENTIONED VIEW MAY BE DISPUTED BY PTT REPRESENTATIVES, AND WE WOULD WELCOME LIMITED OFFICIAL USE

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PAGE 02 STATE 091326

SUBMISSION OF ANY DOCUMENTATION IN FORM OF INVOICES AND

STATUTORY OR ADMINISTRATIVE REGULATIONS UNDER WHICH SUCH EXPENSES WERE INCURRED AS A NECESSARY ADJUNCT TO PREPARING CLAIM IN QUESTION. WE NOTE, HOWEVER, THAT ANY SUBSTANTIATING DOCUMENTATION IN SUPPORT OF THIS ADDITIONAL CLAIMED

SUM OF 63,243.45 TL WILL INVOLVE EVALUATION AND FURTHER ADMINISTRATIVE DELAYS ON OUR PART IN SECURING A SUPPLEMENTAL APPROVAL BY SECRETARY OF THE NAVY. SUCH A COURSE OF ACTION WILL ALSO PRECLUDE ANY PARTIAL PAYMENT UNTIL SUCH TIME AS AN AGREEABLE SUM CERTAIN HAS BEEN ARRIVED AT.

C. IN ORDER TO AVOID THESE POTENTIAL DELAYS, WE WOULD BE WILLING TO ACCOMMODATE THE RECENTLY RELAYED REQUEST OF PTT TO AUTHORIZE PAYMENT IN U.S. DOLLARS, IF SUM OF DOLS. 561,075.72 (APPROXIMATELY 7,855,060.15 TL) IS ACCEPTED IN FULL AND FINAL SETTLEMENT OF ITS CLAIMED DAMAGE ARISING FROM THE SUBJECT INCIDENT. (FYI. PRESENT PROPOSAL TO SETTLE CLAIM IN U.S. DOLLARS IS, OF COURSE, CHANGE FROM INFORMATION CONVEYED PARA (1)(C) OF STATE 85986 AND IS CONSIDERED REASONABLE COMPROMISE FOR EXPEDITIOUS NEGOTIATED SETTLEMENT. END FYI.) RUSH

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